

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal Case No. CR 20-262 (ADM/ECW)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	DEFENDANT'S SECOND MOTION FOR
)	EXTENSION AND CONTINUANCE
)	
FOWZI ABDINASIR ELMI,)	
)	
Defendant.)	

Fowzi Abdinasir Elmi, through undersigned counsel, hereby moves the court for an order extending the deadline for filing pretrial motions, currently set for January 11, 2020 (Doc. 38) until January 25, 2021, and corresponding extensions of other deadlines and a continuance of the motions hearing scheduled for January 29, 2021. The grounds for this motion are as follows:

1) More time is needed for undersigned counsel to go over the evidence with Mr. Elmi in order to make a thorough determination of what motions to file. The defense received the government's media disclosure in mid-December. It includes many dozens of video files, many of which are pertinent to expected pretrial motions to suppress evidence, and extensive cell phone data which might or might not be relevant to pretrial motions. The files, as they were produced, were extremely complicated to extract and transfer as reviewable files. (The prosecution indicated that it was not successful in reviewing some of the files). After extracting the files and arranging for Mr. Elmi to sign

a required certification that he would follow the Protective Order, counsel was able to place a flash drive with protected video files in the mail on December 24, 2020. Counsel was not able to transfer cell phone extraction files to another flash drive and still needs to go over those items with Mr. Elmi. Due to jail restrictions and a quarantine, Mr. Elmi was first able to review **any** of the discovery - including the previously provided flash drive with thousands of pages of documents and some media files, and flash drive with extensive protected video files, on or about December 29, 2020. Time permitted to review discovery on the jail's computers is limited. Mr. Elmi indicates that he has still not had sufficient time to adequately review discovery. Although there has been an opportunity to review some of the discovery in a zoom meeting, it is not feasible to go over all of the discovery in that fashion.

2) There has been discussion about possible resolution of the case. The prosecution has indicated that it needs more time to determine its position on specific issues that would be necessary to address in the negotiation of a possible resolution. It could be more efficient for the Court and the parties to determine if they can reach a resolution prior to extensive litigation.

The government has informed undersigned counsel that it does not object to the request for an extension.

This motion is based on all files, records and proceedings.

Dated: January 7, 2021

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